

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

No claims are currently added or cancelled.

Claims 11-15 and 20 are currently being amended, without affecting the scope of those claims (the amendments to claims 11-15 are to put those claims in better form with respect to “computer” claims based on PTO guidelines regarding 35 U.S.C. § 101, and the amendment to claim 20 is to correct an obvious grammatical error in that claim).

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-20 remain pending in this application.

**Indication of Allowable Subject Matter:**

Applicants appreciate the indication of allowable subject matter made in the Office Action with respect to claims 17 and 19.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1-16, 18 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,349,217 to Honcharenko et al. This rejection is traversed for the reasons given below.

As an initial matter, the presently claimed invention and Honcharenko et al. are directed to completely different technologies, and thus it is hard to understand how such a reference can be applied against the presently pending claims under rejection.

More specifically, the present invention relates to a configuration in which when a wireless apparatus supporting adaptive modulation receives a connection request from another wireless apparatus similarly supporting adaptive modulation, irrespective of in which modulation method communication is initially carried out, a threshold value of communication environment parameter of transmission path at which communication is

possible in the modulation method having a larger multi-value number commonly used by both wireless apparatuses is compared with a parameter measured at that time point, and the channel allocation of wireless base station is permitted when it is determined that the measured parameter is larger than the threshold value, so that degradation of communication quality can be prevented when the modulation method is switched after connection.

Column 5, lines 45-56 of Honcharenko et al. describes that a modulation scheme is chosen based on the signal-to-noise ration and the location of the base station to the mobile station. From this description, it appears that Honcharenko et al. describes the basic concept of adaptive modulation. However, Honcharenko et al. fails to disclose, teach or suggest determining whether the communication environment of the transmission path is in the condition in which the communication can be carried out without degrading the communication quality when the modulation method is switched to the one having the larger multi-value number, as recited in the presently pending claims under rejection. In other words, the presently claimed invention is an advanced scheme of adaptive modulation that is not disclosed, taught or suggested by the simple adaptive modulation scheme described by Honcharenko et al.

Accordingly, the presently pending claims under rejection are patentable over the disclosure of Honcharenko et al.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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